

MINUTES

September 13, 2005

The State Board of Registration for Professional Engineers and Land Surveyors met on September 13, 2005 in Conference Room 102 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

E. Charles Vickery, PE - Chairman
Richard K. Little, PE
Guy F. Ritter, PE
John H. Sweitzer, PE
William W. Dean, PE
Doris I. Willmer, PE
Gloria B. Ransom, Ph.D., Public Member

BOARD MEMBERS ABSENT:

Mark E. Chastain, LS
Theodore W. Waddle, LS, PE

STAFF PRESENT:

J. Darren Mickler – Board Executive Director
Julie Busbee – Board Secretary
Vivian Stephens – Board Application Specialist
Sharon Harrison – Compliance Secretary

ATTORNEY GENERAL REPRESENTATIVE:

None present

GUESTS PRESENT:

Hardwick Butler, Professor at Middle Georgia College
Roger Purcell, Professor at Middle Georgia College

Call to order:

Chairman Vickery called the meeting to order at 9:30 am and asked for any additions or deletions to the proposed agenda. Mr. Ritter requested to add one item, Report on Legal Seminar, to New Business. Mr. Ritter moved to adopt agenda as amended. Mr. Dean seconded. Motion carried.

Approval of Minutes:

Chairman Vickery asked for any additions or deletions to the minutes of the August 9, 2005 Board Meeting. Mr. Ritter moved to adopt the minutes as written. Mr. Little seconded. Motion carried.

Professional Societies and Guests

Chairman Vickery recognized the guests present. Mr. Hardwick Butler and Mr. Roger Purcell presented a report of the surveying certificate program and available coursework pertaining to surveying at Middle Georgia College.

Executive Director's Report

Mr. Mickler reported that NCEES has allowed the Georgia Board an extension to finish the last reviews of exam candidates and all should be completed before the Board members leave after the meeting.

Mr. Mickler reported that the Professional Licensing Boards Division has hired temporary staff to scan public board orders to publish on the website.

Mr. Mickler and Chairman Vickery gave a report on the highlights of the annual NCEES conference in Memphis, August 24 – 27, 2005. Ms. Willmer and Mr. Dean also attended. Chairman Vickery pointed out three issues that were of significance:

- Restrict voting to only Board members. Georgia voted yes, but measure was defeated.
- Discussion to add 30 hours of education to the Model Law Engineer module, with different levels and different titles. This measure was sent back to committee and was not voted on.
- Applicants taking the Fundamentals Exam, then the Principles & Practices Exam without having experience. Georgia voted against, and measure was defeated.

Old Business:

PE Exam Application:

Ms. Willmer led discussion regarding the latest draft of the PE exam application. Mr. Dean commented that he felt there should be a question regarding US citizenship for legal reasons. Ms. Willmer will add the question and will forward the final draft to the Board members and staff for a final review before it is put into use.

There was general discussion regarding applicants who are denied and the language in the denial letter regarding informal conferences. It was determined that the best way to convey what the applicant should do is to put a statement in the denial letter telling the applicant that he/she may request an informal conference; however, the application would only be reviewed once per exam period, according to Board Rule 180-2-.03 (3) and (4.)

2006 Southern Zone Meeting:

Mr. Mickler stated that at the annual NCEES conference he had consulted with other Executive Directors and Board Chairmen of the Southern Zone states who had recently hosted the Southern Zone Meetings. They estimated that there was an average attendance of about 100 delegates in the past three years. Mr. Mickler will have to present budget figures to the NCEES Board of Directors by November 1. He estimates that the budget will be around \$58,000 – \$60,000, with a registration fee of \$400 for delegates and \$100 for guests. He will present a Budget Report to the Board for review at the October 4 Board meeting.

Task Force Assignments:

None reported.

Coalition Report:

Ms. Willmer reported that she has scheduled a meeting with Laura Meadows, Assistant Secretary of State, to talk about the Board's needs. She also reported that she will meet on Wednesday, September 14, 2005 with Ben Harbin, Chairman of the House Appropriations Committee to discuss Board needs and goals.

New Business:

Definition of "Commercial Building":

Mr. Mickler presented a copy of an e-mail letter from Mr. Earl Ferguson and Mr. Ben Cox, requesting the definition of "commercial building" as specified in O.C.G.A. § 43-15-24(b). Following discussion, Chairman Vickery stated that he would send Mr. Ferguson and Mr. Cox a response from the Board, suggesting that the Board would refrain from interpreting code.

Veterans' Preference Points:

Mr. Dean proposed Board Policy 05-02 regarding assigning 1000 points to the exam and requiring a minimum of 700 points to pass. Mr. Dean proposed that veterans' preference points be added to the adjusted score, rather than the scaled scores reported to the Board from NCEES. Chairman Vickery requested that the Board staff provide a report with the number of exam candidates in the last ten years who passed only by adding veterans'

preference points to their final grade. Mr. Sweitzer moved to postpone adoption of this policy until more information is gathered. Mr. Ritter seconded. Motion carried.

Mr. Mickler stated that he would ask Craig Fluck from the Exam Section to attend the next Board meeting to discuss what other Boards do about adding veterans' preference points to exam grades.

Request for Copy of Application:

Mr. Mickler presented a letter of request from the FBI asking for a copy of the application file of a licensed Professional Engineer. Mr. Sweitzer moved to deny the request, but to allow the licensee to request in writing a copy of the application to be sent on his behalf. If the licensee makes the request, a copy of the application only, with no endorsements or Board action, may be sent. Mr. Little seconded. Motion carried.

ELSES Taking EIT Applications:

Mr. Mickler led discussion regarding ELSES taking EIT applications rather than candidates sending the applications to the Board first to be approved, to alleviate the application load on staff during exam deadlines and reviews. ELSES would allow Seniors and Regular EIT candidates qualifying under O.C.G.A. §§ 43-15-8.1 and 8.2 to take the exam. Mr. Mickler will obtain a formal proposal from ELSES. Mr. Sweitzer moved to entertain the proposal from ELSES at the October 4, 2005 meeting. Mr. Ritter seconded. Motion carried.

PE Exam Based on Exam Committee Participation:

Ms. Willmer discussed her participation on the NCEES Exam Committee, regarding the Professional Engineer exam and minimum competency.

Report on Legal Seminar:

Mr. Ritter reported that he attended a seminar on Legal Issues for Professional Engineers for continuing education. Some of the points made in the course were:

- Complying with Georgia Rules and Laws
- Understanding disciplinary actions
- Complying with laws regarding unlicensed practice
- Professional Conduct
- Avoiding professional risk, proportional liability
- Ethics

Hurricane Katrina Displaced Victims:

Mr. Mickler asked for the Board to consider how to handle persons who may have moved to Georgia from the Hurricane Katrina effected areas in Louisiana, Mississippi and Alabama who hold a professional engineer or land surveyor license in one of those states and want to obtain licensure in Georgia. Mr. Dean moved to allow persons who recently became a

resident of Georgia, whose previous address was in one of the effected areas and can prove that they are currently licensed in their home state, to apply for temporary permit with a fee of \$1.00, to practice engineering in Georgia for up to one year. The person must work for a firm that has already obtained a Certificate of Authorization from the Georgia Board. Mr. Sweitzer seconded. Motion carried.

Executive Session:

At 1:45 pm, Mr. Ritter moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Mr. Little seconded. Motion carried.

The following Board members were present during Executive Session – Chairman Vickery, Mr. Sweitzer, Mr. Little, Mr. Ritter, Dr. Ransom, Ms. Willmer and Mr. Dean.

Reconvened Open Session at 2:55 pm with the following Board members present - Chairman Vickery, Mr. Sweitzer, Mr. Little, Mr. Ritter, Dr. Ransom, Ms. Willmer and Mr. Dean.

Investigations and Complaints:

Mr. Ritter moved to renew a Professional Engineer's license with Consent Order with Public Reprimand. Dr. Ransom seconded. Motion carried.

PELS0500127 – This case involved a firm in Georgia whose qualifying engineer lives and works in Florida. Mr. Sweitzer moved to revoke the Certificate of Authorization for the firm and issue a Consent Order to the licensee with \$1500 penalty and one year probation for false reporting on the Certification of Authorization application form. Mr. Little seconded. Motion carried.

PELS020151 – Mr. Ritter moved to close this case as the respondent has died. Mr. Little seconded. Motion carried.

Mr. Little moved to accept a signed Cease and Desist Order from Majid Zibanejadrad d/b/a Oasis Construction Services, Inc. for unlicensed practice of professional engineering. Dr. Ransom seconded. Motion carried.

Mr. Dean moved to accept a signed Cease and Desist Order from Ben Harper for using the word "engineering" in the title of his firm. Mr. Sweitzer seconded. Motion carried.

Mr. Dean moved to accept a signed Cease and Desist Order from David Nelson for unlicensed practice of professional engineering, and send a copy of the Order to the victim and the Architect Board. Mr. Ritter seconded. Motion carried.

Mr. Sweitzer moved to accept a signed Cease and Desist Order from Randy Jordan for unlicensed practice of professional engineering and send a copy to the Architect Board. Mr. Ritter seconded. Motion carried

The Board received a letter of request to issue a new Certificate of Authorization to Polaris Surveyors, rather than retain the same Certificate they already have. Mr. Ritter moved to deny the request. Dr. Ransom seconded. Motion carried.

The Board received a request from Sami Bonham, EIT021019, asking to be allowed to apply as an out-of-state exam candidate because of his difficulty obtaining his transcripts. Mr. Dean moved to respond to him that the Georgia Board will send the original transcript to the Tennessee Board so he can apply there. Mr. Little seconded. Motion carried.

Reinstatements:

Mr. Little moved to approve the reinstatement of Luis Rodriguez, PE022805. Mr. Ritter seconded. Motion carried.

Mr. Sweitzer moved to approve the following licenses for reinstatement:

Alan C. Ridgeway, PE023789
Klaus Mussger, PE013543
David Wayne Low, PE013246
Jack A. Arthur, Jr., PE017584

Mr. Ritter seconded. Motion carried.

Board Memo Comity Model Law Applicants:

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering (EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience as determined by a staff evaluation using the present Board guidelines, who have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law are as follows:

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|----------------------------|----------------------------|-----------------------------|
| 30493 Aldridge, William L. | 30494 Klardie, Celia A. | 30498 Bollinger, William M. |
| 30499 Sluder, Eric N | 30500 Evans, Joseph T III | 30501 Bracket, Michael D. |
| 30502 Brewer, William H. | 30503 McCool, Matthew J | 30504 Stewart, Winston L. |
| 30505 Johns, Stan W. | 30506 Simpson, David B Jr. | 30507 Davenport, Byron J. |
| 30508 Epp, William H. | 30509 Crump, Stephen P. | 30510 Butts, Charles M. |
| 30511 Reed, Monty R. | 30512 Reeves, Kenneth W. | 30513 Schriener, Eric N. |
| 30514 Thomas, Lawrence M. | 30515 Williams, Richard K. | 30516 Hardwick, Stephen E. |
| 30517 Jacobs, Seneca | 30518 Dewald, Stevan G. | 30519 Andersen, James J. |
| 30520 Anderson, Brent W. | 30521 Arnold, John P. | 30522 Atkinson, Mark S |
| 30523 Bishop, Edwin G. Jr. | 30524 Boykin, Frank R. | 30525 Ecker, Wesley S. |
| 30526 Fagan, Brett T. | 30527 Fleming, Jenny S. | 30528 Fortier, Richard R. |
| 30529 Gutierrez, Carlos A. | 30530 Karis, Thomas P; | 30531 Kushner, Richard G. |
| 30532 Limpach, Nicholas J. | 30533 Marceau, Daren E. | 30534 Meredith, Michael A. |

30535 Morgan, Nicholas C.
30538 Nelson, Carl B.
30541 Schafer, Richard R.
30544 Sturgill, Randall W.
30547 Friar, Frederic J.
30550 King, Bruce W.

30536 Morris, Bradley E.
30539 Parrish, James M.
30542 Scott, Kelly D.
30545 Tinsley, John P.
30548 Gerletzt, Gerald C.

30537 Morrissey, George M.
30540 Robbins, Todd V.
30543 Smith, Leland A.
30546 Vura, Scott A.
30549 Johnson, Harold W. Jr.

Motion was made by Mr. Dean to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). The motion was seconded by Dr. Ransom. The motion carried.

There being no further business, at 3:15 pm, Mr. Little moved to adjourn. Mr. Ritter seconded. Motion carried. Some Board members remained to review applications until they were finished.

Board Chairman

Division Director

These minutes were approved at the November 15, 2005 meeting.

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